

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

LOUISIANA-PACIFIC CORPORATION,)
)
Plaintiff/Counter-Defendant,)
)
v.) CIVIL ACTION NO. 3:18-cv-00447
)
JAMES HARDIE BUILDING PRODUCTS,) DISTRICT JUDGE JON P. McCALLA
INC.,)
) JURY DEMAND
Defendant/Counter-Plaintiff/Third-)
Party Plaintiff,)
)
v.)
)
THE KRUSE BROTHERS, INC.,)
)
Third-Party Defendant.)

**DECLARATION OF ADDISON GARNER IN SUPPORT OF JAMES HARDIE
BUILDING PRODUCTS INC.'S MOTION FOR PRELIMINARY INJUNCTION
AGAINST LOUISIANA-PACIFIC CORPORATION AND
THE KRUSE BROTHERS, INC.**

I, Addison Garner, declare as follows:

1. My name is Addison Garner and I have worked at James Hardie Building Products Inc. ("James Hardie") for approximately three years. I am a Technical Sales Representative in Charleston, South Carolina. I am over the age of 21 and am fully competent to testify regarding the facts set forth in this Declaration. I am familiar with the facts and circumstances of the above-captioned proceeding, and make these statements based upon personal knowledge.

2. These facts stated below are true and correct to the best of my knowledge acquired in my capacity as a Technical Sales Representative.

3. As a Technical Sales Representative, I work with contractors, home builders, and installation companies regarding the installation of fiber cement board manufactured by James Hardie. I am in the field working directly with contractors, home builders, and installation companies, on average, four days each week.

4. On April 17, 2018, I attended a LP training meeting conducted by the Kruse Brothers and other LP representatives regarding the installation of LP's engineered wood product. The other attendees included company representatives from home construction companies and siding installation companies. These attendees are the targeted marketing audience for both James Hardie and LP and each represent a potential customer to use the products provided by both James Hardie and LP.

5. During this LP training, LP handed out questionnaires which stated that respirators were not required to install LP's engineered wood product, implying that respirators were required to install fiber cement board products. The questionnaire also asked questions regarding what type of special gear is needed to work with LP's engineered wood. The questionnaire is attached as Exhibit 1 to this Declaration. In the conversations regarding this question, the Kruse Brothers and LP representatives stated to the effect "You need special tools and special gear to protect yourself from silica dust when working with fiber cement."

6. Also during the training, the Kruse Brothers and LP twice directly referenced James Hardie when discussing fiber cement board. After referencing James Hardie by name, the Kruse Brothers and LP representatives stated that if contractors or installers use fiber cement board, that they will "need to place caution tape around the home."

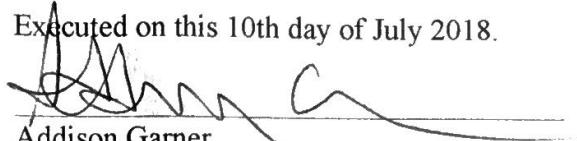
7. The Kruse Brothers and LP representatives continued to explain to the attendees that after placing yellow caution tape around the home, the installers of fiber cement board would need to contact the adjacent neighbors to the home and "warn" the neighbors regarding the installation of a "potentially dangerous material."

8. Based upon my personal knowledge and review of building codes in South Carolina, OSHA requirements, and zoning requirements, there is no requirement that requires the

usage of yellow caution tape around a home when installing fiber cement board. Similarly, based upon my personal knowledge and review of the building codes in South Carolina, OSHA requirements, and zoning requirements, there is no obligation to warn neighbors that fiber cement board is being installed on a home.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of July 2018.



Addison Garner
Technical Sales Representative
James Hardie Building Products

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 12th day of July 2018, the foregoing was electronically filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail, postage prepaid, and/or hand delivery. Parties may access this filing through the Court's electronic filing system.

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